UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,998	03/02/2004	Joseph S. Ng	024.0066 (04-0143)	4304

29906 7590 01/25/2008
INGRASSIA FISHER & LORENZ, P.C.
7150 E. CAMELBACK, STE. 325
SCOTTSDALE, AZ 85251

EXAMINER	
PLUCINSKI, JAMISUE A	
ART UNIT	PAPER NUMBER
3629	
MAIL DATE	DELIVERY MODE
01/25/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/791,998	NG ET AL.	
	Examiner	Art Unit	
	JAMISUE A. PLUCINSKI	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 November 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16 and 18-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16 and 18-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-6, 9, 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webb, Sr. (US 2004/0257225) in view of Jorgeson (US 2003/0028388)

4. With respect to Claims 1 and 13: Webb discloses a method and system for maintaining the security of a cargo container during shipment from an origination point to a destination, wherein the cargo container comprises a container security unit (CSU) having a container identifier (See Paragraph 0047 and reference numerals 160 and 200, Webb discloses the

container having an RFID tag, therefore has an identification, paragraph 0051), the method comprising the steps of and means for:

a. receiving an electronic manifest for the cargo container (Paragraph 0076), wherein the electronic manifest comprises an electronic listing of shipped contents placed in the cargo container at the origination point along with the container identifier;

b. receiving an update from the CSU during the shipment of the cargo container (Paragraphs 0077 and 0081), wherein the update comprises the container identifier, a first location of the container, and a status of the container; and

c. processing the electronic manifest, the update and the arrival report to thereby identify any security issues arising during shipment of the cargo container (Paragraph 0083).

5. Webb however fails to disclose receiving an arrival report for the cargo container, wherein the arrival report comprises an electronic listing of contents of the cargo container received at the destination and the processing step comprises comparing the listing of the contents placed in the cargo container with the electronic listing of contents received and identifying any discrepancies there between. Jorgenson discloses the use of a method of managing shipments where at destination a dock worker receives the shipment and when an electronic packing slip is not with the container the dock worker creates an electronic one manually so that the supplier can log on to the application and check for discrepancies (See Figure 3a, with corresponding detailed description). It would have been obvious to one having ordinary skill in the at the time the invention was made, to modify Webb to include the step of creating an arrival report as disclosed by Jorgenson, for verification purposes, even when a

packing slip is not included with the shipment. (see Jorgenson, Pages 1 and 2) (See KSR [127 S Ct. at 1739] "The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.").

6. With respect to Claims 2 and 3: See Webb, Reference numeral 220 and Paragraph 0085.

7. With respect to Claim 5: Webb discloses receiving status throughout the shipping process (see abstract and Paragraphs 0056, 0097).

8. With respect to Claim 6: Jorgenson discloses the processing step comprises comparing the listing of shipped components with the listing of received components (See Figure 3a with corresponding detailed description).

9. With respect to Claims 9 and 14: Webb discloses a step of providing a status of the cargo container to an interested party (see Webb, Paragraph 0098).

10. With respect to Claim 11: See Webb, Paragraphs 0075 and 0076.

11. With respect to Claim 12: See Webb Paragraph 0098.

12. With respect to Claim 4: Webb discloses the use of a network, with the transmission of wireless data, however fails to specifically disclose what kind of network it is. At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to have the network be a digital network because Applicant has not disclosed that having a digital network provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the network being either analog or digital because they both transfer data wirelessly from one unit to another, and can be encrypted for security, and the use of digital networks is old and well known in the at as a common network.

Therefore, it would have been an obvious matter of design choice to modify Webb to obtain the invention as specified in claim 4.

13. With respect to Claim 17: Webb fails to discloses the central server is further configured to obtain a first manifest from one of the plurality of container processing systems located at the origination point and to compare the first manifest with a second manifest obtained a second one of the plurality of container processing systems located at the destination. Glass discloses when a container arrives to check the container and send a report of discrepancies, which the examiner considers to be an arrival report (see Column 5, lines 1-17). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Webb, to include checking items at the destination, as disclosed by Glass, in order to increase the efficiency of a merchandise distribution control system (See Glass, Columns 1 and 2).

14. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webb and Jorgenson as applied to claim1 above, and further in view of Easley et al. (7,098,784).

15. With respect to Claims 7 and 8: Webb discloses the use of providing security status and identifies threats which trigger alarms (See Reference numerals 930, 940 and 942), however fails to disclose assigning a numerical value to the threat and the alarm is triggered when the numerical value exceeds a predetermined threshold. Easy discloses the use of threat detectors and sensors for monitoring shipping containers where when one of the sensors values reach a threshold, the alarm will be triggered. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Webb, to include the threshold limits of the threats and the alarm being triggered in order to allow action to be taken in the event of a threat

and to allow for troubleshooting f the containers of the handling system (See Easley, Columns 3, 4 and 7).

16. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Webb'225 and Jorgenson as applied to claim1 above, and further in view of Webb, Sr. (US 2007/0008114).

17. With respect to Claim 10: Webb '225 discloses the use of providing status to third parties (Paragraph 0098) however fails to disclose billing the interested party for providing the information. Webb '114 discloses the use of a shipping system which monitors containers and provides the information to a third party and bills for the use of this information (Reference numeral 460 with corresponding detailed description, and Paragraphs 0019, 0049 and 0050. It would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify Webb '225 with Webb '114 in order to provide users with access to security data status in the form of reports and to generate revenue from the service in order to operate a business which allows the system to run (See Webb '114, Pages 2 and 4).

18. Claims 15, 16, 18-22, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webb, Sr. (US 2004/0257225) in view of Jorgenson (US 2003/0028388).

19. With respect to Claim 15: Webb discloses the use of a system operating in a digital network for monitoring the security of a cargo container during shipment from an origination point to a destination (see abstract), wherein the cargo container comprises a container security unit (CSU) (See Paragraph 0047 and reference numerals 160 and 200, Webb discloses the

container having an RFID tag, therefore has an identification, paragraph 0051) the system comprising:

d. a plurality of container processing systems (See Figures 2 and 4), each having a report generator and an interface to the digital network (Paragraph 0057), wherein the report generator is operable to compile a manifest of contents placed in the cargo container along with the container identifier (Paragraph 0076);

e. a plurality of container status systems (See Figures 2 and 4), each having an interface to the digital network and a wireless interface configured to communicate with the CSU to thereby obtain the container identifier and the container status during shipment of the cargo container (See Paragraphs 0056, 0076, 0077 and 0097); and

f. a central server (GOMAC, Reference numeral 50 with corresponding detailed description) configured to communicate with the plurality of container processing systems and the plurality of container status systems via the digital network to monitor the cargo container from the origination point to the destination and to identify any security issues arising during shipment of the cargo container (See Figure 1).

20. Webb however fails to disclose receiving an arrival report for the cargo container, wherein the arrival report comprises an electronic listing of contents of the cargo container received at the destination and the processing step comprises comparing the listing of the contents placed in the cargo container with the electronic listing of contents received and identifying any discrepancies there between. Jorgenson discloses the use of a method of managing shipments where at destination a dock worker receives the shipment and when an electronic packing slip is not with the container the dock worker creates an electronic one

manually so that the supplier can log on to the application and check for discrepancies (See Figure 3a, with corresponding detailed description). It would have been obvious to one having ordinary skill in the at the time the invention was made, to modify Webb to include the step of creating an arrival report as disclosed by Jorgenson, for verification purposes, even when a packing slip is not included with the shipment. (see Jorgenson, Pages 1 and 2) (See KSR [127 S Ct. at 1739] "The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.").

21. Webb discloses the use of a network, with the transmission of wireless data, however fails to specifically disclose what kind of network it is. At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to have the network be a digital network because Applicant has not disclosed that having a digital network provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the network being either analog or digital because they both transfer data wirelessly from one unit to another, and can be encrypted for security, and the use of digital networks is old and well known in the at as a common network. Therefore, it would have been an obvious matter of design choice to modify Webb to obtain the invention as specified in claim 15.

22. With respect to Claim 16: Webb discloses each of the container status systems further comprise a hazard detect system configured to detect hazardous materials located in the cargo container (Reference numerals 282 and 284 with corresponding detailed description).

23. With respect to Claim 18: Webb discloses each of the container processing systems comprise a wireless reader configured to obtain information about the contents of the cargo container (Paragraph 0051).

24. With respect to Claim 19: Webb discloses the wireless reader is an RFID reader (Paragraph 0051).

25. With respect to Claims 20, 21 and 22: Webb discloses at least one of the plurality of container processing systems comprises a video configured to obtain images the contents of the cargo container (Paragraph 0085, and reference numeral 220 with detailed description).

26. With respect to Claim 25: See Webb Paragraph 0098.

27. With respect to Claim 26: See Webb Paragraph 0051.

28. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webb and Jorgenson as applied to claim 15 above, and further in view of Easley et al. (7,098,784).

29. With respect to Claims 23 and 24: Webb discloses the use of providing security status and identifies threats which trigger alarms (See Reference numerals 930, 940 and 942), however fails to disclose assigning a numerical value to the threat and the alarm is triggered when the numerical value exceeds a predetermined threshold. Easley discloses the use of threat detectors and sensors for monitoring shipping containers where when one of the sensors values reach a threshold, the alarm will be triggered. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Webb, to include the threshold limits of the threats and the alarm being triggered in order to allow action to be taken in the event of a threat

and to allow for troubleshooting f the containers of the handling system (See Easley, Columns 3, 4 and 7).

Response to Arguments

30. Applicant's arguments with respect to claims 1-16, and 17-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

31. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMISUE A. PLUCINSKI whose telephone number is (571)272-6811. The examiner can normally be reached on M-Th (5:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jp

/Jamisue A. Plucinski/
Primary Examiner,
Art Unit 3629